

DAVID C. BROWN

Petitioner

F-55818

FILED

DECLARATION IN SUPPORT
OF REQUEST

TO PROCEED

IN FORMA PAUPERIS

M.E. POULOS (WARDEN) ET AL

Respondent(s)

BY

DEPUTY

08CND0617 JM (NLS)

I, DAVID BROWN, declare that I am the petitioner in the above entitled case;

that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? ☐ Yes ☒ No

a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer. N/A N/A

b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received. OCT 15, 2003

2. Have you received, within the past twelve months, any money from any of the following sources?

a. Business, profession or form of self-employment? ☐ Yes ☒ No

b. Rent payments, interest or dividends? ☐ Yes ☒ No

c. Pensions, annuities or life insurance payments? ☐ Yes ☒ No

d. Gifts or inheritances? ☐ Yes ☒ No

e. Any other sources? ☐ Yes ☒ No

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months: N/A N/A N/A

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts)

☐ Yes ☒ No

If the answer is yes, state the total value of the items owned: N/A N/A

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property? (Excluding ordinary household furnishings and clothing) ☐ Yes ☒ No

If the answer is yes, describe the property and state its approximate value: N/A

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support: N/A

I, declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on 12-17-2007

Date

Daniel C. Brown

Signature of Petitioner

CERTIFICATE

I hereby certify that the Petitioner herein has the sum of \$ \$9.66 on account to his credit at the CALIFORNIA INSTITUTION FOR MEN institution where he is confined. I further certify that Petitioner likewise has the following securities to his credit according to the records of said institution: N/A

1/17/08

Date

F. N. SPILNER CC-1

Authorized Officer of Institution/Title of Officer

F. N. SPILNER

TS210B

CALIFORNIA DEPARTMENT OF CORRECTIONS
ITAS TRUST ACCOUNT DISPLAY

----- ACCOUNT INFORMATION ----- SPECIAL ITEMS -----

ACCOUNT NUMBER: F55818
 ACCOUNT NAME: BROWN, DAVID CARLTON
 ACCOUNT TYPE: I
 CURRENT BALANCE: 9.66
 HOLD BALANCE: 3.35
 ENCUM. BALANCE: 0.00
 AVAILABLE: 6.31
 PRIVILEGE GROUP: A
 LAST CANTEEN: 12/10/2007

----- ACCOUNT TRANSACTIONS -----TS210CA

DATE	TRAN	AMOUNT	DESCRIPTION	CHECK NUM	COMMENT	BALANCE
11/07/07	W502	0.25-	POSTAGE CHARGE		2698/LPOST	4.85
11/09/07	W502	1.82-	POSTAGE CHARGE		2800/LPOST	3.03
12/06/07	UD54	8.38	INMATE PAYROLL-		3143/NOV07	11.41
12/06/07	UD54	12.24	INMATE PAYROLL-		3166/OCT07	23.65
12/10/07	FC02	23.65-	DRAW-FAC 2		3196/MSF1	0.00
01/07/08	UD54	9.66	INMATE PAYROLL-		3593/DEC07	9.66

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REST	ACCOUNT	PREVIOUS	NEXT	DISPLAY	SELECT	PRINT	MAIN
FINES	DISPLAY	PAGE	PAGE	HOLDS	NEW ACCT	SCREEN	MENU

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DATE	TRAN	AMOUNT	DESCRIPTION	CHECK NUM	COMMENT	BALANCE
10/04/07	UD54	9.66	INMATE PAYROLL-		2003/SEPT	15.66
10/18/07	W516	0.40-	LEGAL COPY CHAR		2287/COPY	15.26
10/19/07	W502	2.16-	POSTAGE CHARGE		2310/POST	13.10
10/19/07	W516	7.20-	LEGAL COPY CHAR		2343/LCOPY	5.90
10/19/07	W516	0.40-	LEGAL COPY CHAR		2343/LCOPY	5.50
11/02/07	W516	0.40-	LEGAL COPY CHAR		2636/LCOPY	5.10

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REST	ACCOUNT	PREVIOUS	NEXT	DISPLAY	SELECT	PRINT	MAIN
FINES	DISPLAY	PAGE	PAGE	HOLDS	NEW ACCT	SCREEN	MENU

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----- ACCOUNT TRANSACTIONS -----TS210CA					
DATE	TRAN	AMOUNT	DESCRIPTION	CHECK NUM	BALANCE
08/08/07	W502	0.87-	POSTAGE CHARGE	0803/LPOST	12.84
08/09/07	W516	0.30-	LEGAL COPY CHAR	0840/LCOPY	12.54
08/09/07	W502	0.25-	POSTAGE CHARGE	0853/ POST	12.29
08/13/07	FC02	12.29-	DRAW-FAC 2	887 MINIST	0.00
09/07/07	UD54	10.30	INMATE PAYROLL-	1415/AUG07	10.30
09/14/07	W516	4.30-	LEGAL COPY CHAR	1624/COPY	6.00

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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 DAVID CARLTON BROWN,

12 Petitioner,

13 v.

14 M. E. POULOS, Warden, et al.,

15 Respondents.

Civil No. 08cv0017-JM (NLS)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

16 Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas
17 Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to
18 move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either
19 paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the
20 case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed
21 with this case, he must submit, **no later than March 10, 2008**, a copy of this Order with the
22 \$5.00 fee or with adequate proof of his inability to pay the fee. The Clerk of Court shall send
23 a blank Southern District of California In Forma Pauperis Application to Petitioner along with
24 a copy of this Order.

25 **IT IS SO ORDERED.**

26 **DATED: January 15, 2008**

27 
28 Hon. Jeffrey T. Miller
United States District Judge

CC: ALL PARTIES